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Cooperation between the United Nations and the Council of Europe

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Report of the Secretary-General**

I. Introduction

1. On 20 October 2000, the General Assembly unanimously adopted resolution 55/3 on cooperation between the United Nations and the Council of Europe. In that resolution, the Assembly, inter alia, requested the Secretary-General to continue exploring possibilities for further enhancement of cooperation, information exchange and coordination between the United Nations and the Council and decided to include in the provisional agenda of its fifty-sixth session the item entitled "Cooperation between the United Nations and the Council of Europe".

2. By the same resolution, the Assembly also requested the Secretary-General to report to it at its fifty-sixth session on cooperation between the two organizations in implementation of the resolution. The present report is submitted in compliance with that request.

II. Consultations and exchanges of information

3. Cooperation between the United Nations and the Council of Europe has continued through direct contact between the secretariats of the two organizations, the observer status of the Council in the General Assembly and the cooperation agreements between the Council and various specialized agencies and bodies of the United Nations. The Secretaries-General of the two organizations met in Strasbourg, France, in October 2000 and again in New York. In February 2001 the Secretary-General of the Council participated in the fourth high-level meeting between the Secretary-General of the United Nations and heads of regional organizations on the subject of cooperation for peace-building. The meeting identified key areas for future collaboration in the field of peace-building and drew up an expanded practical framework for cooperative activities. The Security Council welcomed the outcome of this meeting.

* A/56/150.
** The footnote requested by the General Assembly in resolution 54/248 was not included in the submission.

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III. Information received from the United Nations system

A. United Nations Headquarters

1. Department of Peacekeeping Operations

(a) United Nations Mission in Bosnia and Herzegovina (UNMIBH)

4. Relations between UNMIBH and the Council of Europe have traditionally been very close both at the practical and political levels. The Secretary-General's Special Representative and Coordinator of United Nations Operations in Bosnia and Herzegovina, Jacques Paul Klein, has consistently taken the lead in public discussion to express the need for Bosnia and Herzegovina to accede to the Council of Europe. He has been a strong public advocate, both in Bosnia and in Europe, as well as in the United States, of setting straightforward and achievable criteria for Bosnian membership in the firm belief that the internal discipline of the Council would encourage good governance, while acceptance into the wider European family would discourage emigration and encourage return.

5. UNMIBH has participated in all the tripartite meetings in 2000 and 2001 between the United Nations, the Organization for Security and Cooperation in Europe and the Council.

6. Over the past year, UNMIBH has handed over its mandated task of judicial assessment to the Office of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina. Following detailed discussions in Sarajevo and in Strasbourg, France, it was decided that the Council would cooperate fully with the new Independent Judicial Commission, sponsored by the Office of the High Representative.

7. UNMIBH and the Council cooperate within the Human Rights Steering Board, which establishes priorities and evaluates progress on human rights issues. UNMIBH benefits greatly from legal opinions given by Council experts on compatibility of Bosnia and Herzegovina legislation with the European Convention on Human Rights. The Council has also coordinated prison reform issues with local authorities and UNMIBH.

(b) United Nations Interim Administration Mission in Kosovo (UNMIK)

8. UNMIK and the Council of Europe cooperate on many levels, particularly in the realm of judicial training, legal education and election monitoring. In this context, the Council has continued to assist UNMIK in matters of legislation and reforms in Kosovo with a view to bringing them in line with the European Convention on Human Rights. It has also been active in restructuring and reforming the judiciary, the protection of minorities, property rights and population registration, childhood and youth programmes (including juvenile justice), education policies and the protection and restoration of cultural heritage.

9. At the request of UNMIK, the Council of Europe also assumed responsibility for the observation of the municipal electoral process in October 2000, when cooperation between UNMIK-pillar III and the Council was extensive. The Election Observation Mission of the Council was conducted in three stages, including the observation of civil and voter registration, the election campaign and the municipal elections themselves. The Council has played an integral role in the UNMIK capacity-building programme and is continuing to do so in the electoral process leading up to the Kosovo Assembly elections, scheduled to be held in autumn 2001.

10. The Council of Europe has invited both international and local professionals to take part in international conferences on topics of particular interest and relevance to UNMIK structure, the judiciary and civil society. The Council and UNMIK collaborated extensively in the creation of the Kosovo Judicial Institute to increase judges' and lawyers' understanding of international human rights standards and the applicable law. The Institute organizes training and workshops for the judiciary on topics such as domestic violence and war crimes issues. Over the past two years, the Council has set up a number of instructional seminars within Kosovo for both judges and prosecutors. Most recently, the Council and the Institute held a two-day course for the local judiciary on articles 5 and 6 of the European Convention on Human Rights. There are future sessions planned to assist further in the training of defence counsels on points of law and legal advocacy.

11. The Council has organized a number of conferences on issues of relevance to the work of UNMIK, including one in Athens in July 2001 on the trafficking of women, where a regional plan of action on combating trafficking was adopted. Similarly, UNMIK participated in discussions convened by the Council in Strasbourg in May 2001 on the problem of national minorities in Europe.

(c) United Nations Observer Mission in Georgia

12. Representatives of the Council have continuously exchanged views with the Special Representative of the Secretary-General for Georgia, Ambassador Dieter Boden, and cooperated in the joint organization of a seminar on State-legal aspects of the settlement of the Abkhaz conflict, held in Pitsunda, Georgia, in February 2001. The Council also took part in the Joint Assessment Mission (United Nations/OSCE/Council of Europe/European Commission) to the Gali district, Abkhazia, Georgia, in November 2000.

2. Department of Economic and Social Affairs

13. Following the Council's active participation in the special session of the General Assembly on social development, held in Geneva in 2000, the European Committee for Social Cohesion has been discussing the follow-up to the special session at the Pan-European level. Senior staff took part in these discussions. As a first concrete step, the Council and the Department of Economic and Social Affairs of the Secretariat organized a joint expert reflection meeting on pathways to social development, which compared the approaches of different world regions to the process of social development. The Council's Director of Social Affairs and Health also contributed to the annual meeting of the Commission for Social Development in February 2001.

B. United Nations Office at Geneva (UNOG)

14. Since 1994, the United Nations offices and agencies and the Council of Europe, along with OSCE, have participated in the annual high-level tripartite meetings to exchange information and to promote coordination of activities in the areas of common concern. The Director-General of UNOG is in regular contact with the Secretary-General of the Council of Europe and the Chairman of the Parliamentary Assembly, both of whom visit Geneva periodically and vice versa. Resolutions of the Parliamentary Assembly, in particular in addressing the issue of United Nations reform, have called repeatedly for close collaboration between the Council secretariat and the Director-General of UNOG and, through him, with the organizations of the United Nations system based in Geneva. The Director-General has invited the Council, as is the case with OSCE, to participate in activities of the informal research and training network linking the Geneva- and Turin-based United Nations research institutes and the United Nations University and its affiliated institutes.

C. Office of the United Nations High Commissioner for Human Rights (OHCHR)

15. The Council of Europe was actively involved in the preparations for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001. In October 2000, the European Conference against Racism, "All different, all equal: from principle to practice", was held in Strasbourg with over 500 participants.

16. OHCHR is regularly represented at meetings organized by the Council with national human rights institutions and ombudsmen, including at the first round table with national institutions (March 2000) and the recent review meeting held in the framework of the Council's Stability Pact for South-Eastern Europe (May 2001), both of which were held in Strasbourg. Representatives of the Council, in turn, regularly observe meetings of United Nations human rights bodies, including the Commission on Human Rights, the Subcommission on the Promotion and Protection of Human Rights and its Working Group on Minorities.

17. OHCHR and the Council have been working together for several years on the question of trafficking in human beings. In 1999, OHCHR co-funded an information and prevention campaign on the risks of trafficking, organized by the Council in Albania, which was mainly addressed to refugees from Kosovo. OHCHR and the Council also cooperate actively in the Task Force on Trafficking in Human Beings set up under the Stability Pact for South-Eastern Europe.

D. United Nations Office for Drug Control and Crime Prevention (UNODCCP)

18. In 1994, the Council's Pompidou Group and UNODCCP jointly launched a long-term project, with the financial contribution provided by the Government of Switzerland, to help local researchers systematically collect and interpret reliable data in order to construct a coherent picture of patterns and trends in drug use in nine cities across six countries, namely, Bulgaria, the Czech Republic, Hungary, Poland, Slovakia and Slovenia. This second phase contributed to the consolidation of drug misuse monitoring systems at city and national levels and generated qualitative information on patterns and new trends of drug misuse. It thereby provided data for a rapid situation assessment of drug misuse as a basis for planning and evaluating demand reduction policies in the central European subregion.

19. UNODCCP participated in the activities of the Stability Pact for South-Eastern Europe and attended the First Regional Steering Group and Advisory and Contact Group Meeting of the Organized Crime Initiative, hosted by the Bulgarian Ministry of the Interior in Sofia on 9 and 10 January 2001.

E. Economic Commission for Europe (ECE)

20. The Executive Secretary of ECE paid an official visit to the Council and its Parliamentary Assembly in March 2001 to review common areas of work in order to intensify cooperation between the two organizations. In the field of gender equality, the Council played a major role in the substantive preparation of the ECE Regional Preparatory Meeting on the 2000 Review of the Implementation of the Beijing Platform for Action by providing its expertise in three major areas: violence against women, trafficking in human beings and strengthening the national mechanisms for the advancement of women.

21. Close cooperation has also been developed between ECE and the Council on the follow-up to the Conference on Population and Development. The Council has recently streamlined its population activities, focusing on demographic statistics, particularly for policy makers. Finally, the Council is associated with the preparatory process of the ECE Ministerial Conference on Ageing, to be held in Berlin in 2002.

22. Following the accident in Baia Mare, Romania, ECE and the Council are taking steps to ensure coordination of their work on the transboundary impact of industrial accidents in terms of water pollution. Furthermore, the Council is an active partner in the Environment for Europe Process. The ECE is the secretariat for the preparatory process for the fifth ministerial conference "Environment for Europe" in 2003.

23. In the context of the aforementioned process, the Council and the United Nations Environment Programme (UNEP) are responsible for biodiversity issues, in particular the implementation of the Pan-European Biological and Landscape Diversity Strategy, which aims to stop and reverse the degradation of biological and landscape diversity in Europe and to ensure sustainable management of the natural environment. This initiative coordinates joint European action in the framework of the Rio Convention on Biological Diversity and provides a regional instrument for its implementation. The Strategy is served by a joint Council of Europe and UNEP secretariat, which in 2000 concluded a memorandum of cooperation with the secretariat of the Rio Convention.

24. The Council is very active on the issues of crime and corruption, having adopted civil and penal law conventions on corruption and developed guiding principles and codes of conduct for public officials agreed to by the Council's Committee of Ministers. ECE has played a role in the establishment of the Regional Centre for Combating Transborder Crime in Bucharest, within the framework of the South-east European Cooperative Initiative. Contact is being made to see how the Centre could possibly be the venue to promote the conventions and guidelines of the Council in this area.

25. In the area of human settlements, it has been agreed that links will be strengthened between the Council's Congress of Local and Regional Authorities and the Commission's Housing and Urban Management Advisory Network. The Commission is continuing its well-established relationship with the Committee on Economic Affairs and Development of the Parliamentary Assembly. The Committee's Sub-Committee on International Economic Relations normally meets in Geneva once a year with the

Commission's Economic Analysis Division in order to share views on key economic issues and problems in the region. Both ECE and the Council are active in south-eastern Europe, the former within the framework of the South-east European Cooperative Initiative and the latter within the framework of the European Union Stability Pact.

F. United Nations Development Programme (UNDP)

26. The Committee on Migration, Refugees and Demography of the Council's Parliamentary Assembly, in cooperation with the Parliament of Azerbaijan, organized a parliamentary meeting on refugees and displaced persons in the South Caucasus in May 2001. Its purpose was to assess how far the humanitarian needs of the refugees and displaced persons in the region were being met and what progress was being made in implementing solutions and defining ways of improving the situation. The UNDP Resident Representative/Resident Coordinator in Azerbaijan made a presentation on UNDP action in the South Caucasus republics, focusing on strategies for promoting returns, integration and resettlement, as well as on current projects, new approaches, and remaining obstacles.

G. Office of the United Nations High Commissioner for Refugees (UNHCR)

27. Since 1996, when UNHCR established a liaison office to the European institutions in Strasbourg, its cooperation with the Council has developed into a comprehensive partnership, focusing on the development of legal standards, the raising of awareness regarding human rights and the strengthening of civil societies as they relate to persons of concern to UNHCR. The relationship between the Council and UNHCR has evolved significantly as the Council's unique Pan-European membership coincides with the increased operational involvement of the Office of the United Nations High Commissioner for Refugees in the problems of refugees and displaced populations of central, eastern and south-eastern Europe.

28. Through the promotion of democratic stability, protection of human rights and the monitoring of its member states' commitments, the Council also contributes to the mandate of UNHCR by fostering an environment conducive to improving the situation of refugees and asylum-seekers and, in the longer term, to enhancing the stability of Europe and preventing further population displacements. The complementarity of their mandate was given new impetus in 1999 when UNHCR and the Council signed a memorandum of understanding on cooperation. This framework of cooperation seeks to maximize the specificities of each organization by encouraging mutually-reinforcing partnership in areas of common interest, notably through reciprocal representation at relevant working meetings and the implementation of joint cooperation activities, where appropriate.

29. With regard to overall coordination and consultation mechanisms, high-level visits take place between UNHCR and the Council secretariat on a regular basis. As regional situations evolve in Europe, consultation and coordination on the development of integrated strategies and action plans are increasingly taking place between the two bodies, together with other relevant partners. UNHCR was invited to explain its strategy and share its views on inter-agency coordination in the Federal Republic of Yugoslavia with the Committee of Ministers in December 2000. Field-based offices of both organizations also regularly consult and share information. The specificity and comparative advantage of each organization's mandate and expertise have been mutually reinforcing in many areas of joint cooperation. For UNHCR, one of the most significant aspects of this cooperation is the elaboration of legal standards related to asylum and to the treatment of refugees and asylum-seekers, as well as the development of national citizenship legislation. Following its active involvement in the first European Conference on Nationality in 1999, UNHCR will also address the second European Conference, to be held in Strasbourg in October 2001.

30. The Specialist Group on Roma Gypsies is a technical body of the European Committee on Migration, to which UNHCR devotes particular attention since a large number of refugees and displaced persons in south-eastern Europe are of Roma origin. Aside from actively participating in Specialist Group meetings that focus on the development of institutions and national strategies, UNHCR is involved in a number of joint concrete activities undertaken at the field level. In September 2000, UNHCR, OSCE and

the Council conducted two workshops in Skopje for non-governmental organizations (NGOs) and regional experts, respectively, on "The international protection of refugees in the Balkans: the case of the Roma refugees and internally displaced persons". Full coordination and consultation also takes place concerning the development and implementation of Stability Pact initiatives related to persons of Roma origin. Within the Stability Pact objective, UNHCR and the Council's Development Bank are also exploring modalities of concrete cooperation to support the implementation of solutions for refugees and displaced persons in that region.

31. As in past years, UNHCR and the Council are implementing a joint programme of technical assistance in selected member States. This consists of co-organizing and conducting workshops on a variety of thematic issues of relevance to both organizations. For example, workshops will be held in Armenia, on border management and the treatment of asylum-seekers, in Azerbaijan, on the implementation of NGO legislation and on the implementation of citizenship law, and in the Russian Federation, on citizenship. For the Commonwealth of Independent States (CIS) region, the foregoing activities also constitute part of the joint thematic work plan, which reflects the commitment of UNHCR, the International Organization for Migration, OSCE and the Council to implement the follow-up to the 1996 Geneva CIS Conference, as launched in July 2000. The Council has formally joined UNHCR, the International Organization for Migration and OSCE as co-lead agency in this thematic framework with a focus on citizenship and statelessness, as well as on the legal framework for NGOs. In Georgia, the Council and UNHCR collaborate on the issue of the return of the formerly deported Meskhetian population as well as on questions of restitution of property and tenancy rights relating to the conflict in South Ossetia.

32. While UNHCR collaborates with a number of Parliamentary Assembly committees, it is with the Council's Committee on Migration, Refugees and Demography that UNHCR enjoys particularly active and fruitful cooperation. Whenever possible, UNHCR field offices assist the visits of the Committee's rapporteurs, as was the case for Kosovo, Federal Republic of Yugoslavia, in September 2000. UNHCR participates as an observer in Committee meetings and shares information and observations with regard to draft reports and recommendations. This is the case for the report and draft recommendation on UNHCR and the fiftieth anniversary of the Geneva Convention, debated in the Parliamentary Assembly's June 2001 session. One proposed recommendation seeks to reaffirm member States' commitment to the 1951 Convention, to encourage their active participation in the UNHCR-launched process of Global Consultations on International Protection and to promote accession to the Convention for the five member States that are not signatories to these human rights instruments.

33. As the broader regional human rights instrument, the European Convention on Human Rights constitutes a useful complement to the international instruments specifically related to the protection of refugees, in particular the 1951 Convention. This is particularly so since it establishes an enforcement mechanism for its implementation — the European Court of Human Rights — whose jurisprudence can complement international refugee law. UNHCR and the Council have jointly examined this complementarity through the organization of two colloquies on the Court and the protection of refugees, asylum-seekers and displaced persons. UNHCR cooperates with the Court through the sharing of information, particularly concerning UNHCR public protection guidelines related to specific refugee and displacement situations. In cooperation with the Council's Directorate General of Human Rights, national workshops on the European Convention on Human Rights and its relevance to the protection of refugees, displaced persons and asylum-seekers are also jointly conducted in selected countries. UNHCR has also become involved in the Council's programme to promote the regional parliamentary ombudsman institution in the Russian Federation, through technical support for ombudsmen who will work with UNHCR on cases of forced migrants and asylum-seekers in their particular region.

34. In the past 10 months, the UNHCR Representative in the former Yugoslav Republic of Macedonia, acting on behalf of the humanitarian community as a whole, has cooperated with the Council in the preparation of various assistance programmes. In early April 2001, for instance, a mission consisting of two advisers from the Council's Development Bank visited Skopje, upon invitation from the Government, to provide emergency loans and assist with the rehabilitation of the villages affected by the first phase of the conflict. The UNHCR Representative provided preliminary information on

the extent of damage to homes and offered to assist, whenever possible, in ensuring conditions conducive for the return of the affected population to their homes.

H. United Nations Children's Fund (UNICEF)

35. The Council of Europe has developed a close working relationship with UNICEF, in particular in view of the forthcoming Special Session on Children, to which the Committee of Ministers has submitted a political message.

IV. Observations

36. Cooperation between the United Nations and the Council has been longstanding. However, since the adoption of General Assembly resolution 55/3, interaction between the two organizations has continued to improve. Both organizations continue to have shared interests which lend themselves to cooperation in such areas as conflict-prevention, post-conflict peace-building and confidence-building measures aimed at increasing tolerance and understanding between people belonging to different ethnic groups, especially those within countries in crisis.

37. It is envisaged that ongoing cooperation will be enhanced in the months ahead pursuant to the General Assembly's call to continue exploring possibilities for further enhancement of cooperation, information exchange and coordination between the United Nations and the Council of Europe. The prospects remain extremely promising. In order to apprise the Assembly more fully of concrete cooperation measures, it would be most useful to report to the Assembly on such cooperation every other year. It is therefore recommended that the next report of the Secretary-General on this subject be submitted to the General Assembly at its fifty-eighth session. Accordingly, the Assembly may wish to include in the provisional agenda of its fifty-eighth session the item entitled "Cooperation between the United Nations and the Council of Europe".